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Richard P. Berg, Esq.  
c/o LADAS & PARRY  
Suite 2100  
5670 Wilshire Boulevard  
Los Angeles, CA 90036-5679

EXAMINER

MANDALA, VICTOR A

ART UNIT

PAPER NUMBER

2826

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/071,063

Applicant(s)

YU ET AL.

Examiner

Victor A Mandala Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 March 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other:

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: On page 1 lines 30-31 the label number 12 is labeled as a drain, but the specifications also labels number 18, (Page 2 Line 1), as the drain. The examiner is lead to believe that number 12 is actually a source electrode from the similar structure found in Figure 2A number 20c, (Source) and 20a, (Drain).

Appropriate correction is required.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the pixel electrode is coupled to the pixel electrode via a contact hole must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Examiner is unable to see two pixel electrodes connect via a contact hole.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art.

3. Referring to claim 1, a thin-film transistor array structure, (Applicant's Admitted Prior Art Figure 1A), comprising: a thin-film transistor, (10); a data line, (DL), coupled to a drain electrode, (18), of the thin-film transistor, (10); a scanning line, (SL), coupled to a gate electrode, (Applicant did not label in Figure 1A, but the structure is the same as the Applicant's design in Figure 2A, so it is apparent that it is the same as the labeled 20b in Figure 2A), of the thin-film transistor, (10), and crossed to the data line, (DL), to form a plurality of rectangular pixels in matrix, (Applicant's Disclosure Page 1 Lines 15-16 & it is obvious to one skilled in the art that a matrix array of pixels are necessary to display or capture an image and in Figure 1A the DL is connected to another drain from another TFT shown on the top of the figure); a pixel electrode, (16), formed at each of the pixels and coupled, (14), to a source electrode, (12), of the thin-film transistor, (10); and a sustaining electrode, (12), coupled, (14), to the pixel electrode, (16), disposed on the pixel electrode, (16) and next to the data line, (DL), and coplanar, (the Applicant's Admitted Prior Art Figure 1B does not disclose the planar relationship with the data line with respect to the source, but it is obvious to one skilled in the art that the thin film

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transistor has a coplanar drain and source, which creates a uniform channel below the gate, hence the source and the drain are coplanar and the data line is connected to the drain it would also be obvious to one skilled in the art to have the source electrode coplanar with the data line), with the source electrode, (12).

4. Referring to claim 2, a thin-film transistor array structure, wherein a pattern constructed by the sustaining electrode, the source electrode and the data line is designed as a mask.

Initially, and with respect to claim 2, note that a "product by process" claim is directed to the product per se, no matter how actually made, In re Hirao, 190 USPQ 15 at 17 (footnote 3). See also In re Brown, 173 USPQ 685; In re Luck, 177 USPQ 523; In re Wertheim, 191 USPQ 90 (209 USPQ 554 does not deal with this issue); In re Fitzgerald, 205 USPQ 594, 596 (CCPA); In re Marosi et al., 218 USPQ 289 (CAFC); and most recently, In re Thorpe et al., 227 USPQ 964 (CAFC, 1985) all of which make it clear that it is the final product per se which must be determined in a "product by process" claim, and not the patentability of the process, and that, as here, an old or obvious product produced by a new method is not patentable as a product, whether claimed in "product by process" claims or not. Note that Applicant has burden of proof in such cases as the above case law makes clear.

As to the grounds of rejection under section 103, see MPEP § 2113

5. Referring to claim 4, a thin-film transistor array structure, wherein the pixel electrode, (16), is coupled to the pixel electrode, (16), via a contact hole, (14).

**Initially, it is noted that the 35 U.S.C. § 103 rejection based on a pixel electrode coupled with another pixel electrode deals with an issue (i.e., the integration of multiple pieces into**

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**one piece or conversely, using multiple pieces in replacing a single piece) that has been previously decided by the courts.**

In Howard v. Detroit Stove Works 150 U.S. 164 (1893), the Court held, "it involves no invention to cast in one piece an article which has formerly been cast in two pieces and put together...."

In In re Larson 144 USPQ 347 (CCPA 1965), the term "integral" did not define over a multi-piece structure secured as a single unit. More importantly, the court went further and stated, "we are inclined to agree with the solicitor that the use of a one-piece construction instead of the [multi-piece] structure disclosed in Tuttle et al. would be merely a matter of obvious engineering choice" (bracketed material added). The court cited In re Fridolph for support.

In re Fridolph 135 USPQ 319 (CCPA 1962) deals with submitted affidavits relating to this issue. The underlying issue in In re Fridolph was related to the end result of making a multi-piece structure into a one-piece structure. Generally, favorable patentable weight was accorded if the one-piece structure yielded results not expected from the modification of the two-piece structure into a single piece structure.

Therefore, it would have been obvious to one of ordinary skill in the art to use **a pixel electrode coupled with another pixel electrode as a single pixel electrode** as "merely a matter of obvious engineering choice" as set forth in the above case law.

6. Referring to claim 5, a thin-film transistor array structure, wherein the sustaining electrode, (12), is coupled to the pixel electrode, (16), via a contact hole, (14).

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7. Referring to claim 6, a thin-film transistor array structure, comprising: a Thin-Film Transistor; a data line, (DL), coupled to a drain electrode, (18), of the thin-film transistor, (10); a scanning line, (SL), coupled to a gate electrode, (Applicant did not label in Figure 1A, but the structure is the same as the Applicant's design in Figure 2A, so it is apparent that it is the same as the labeled 20b in Figure 2A), of the thin-film transistor, (10), and crossed to the data line, (DL), to form a plurality of rectangular pixels in matrix, (Applicant's Disclosure Page 1 Lines 15-16 & it is obvious to one skilled in the art that a matrix array of pixels are necessary to display or capture an image and in Figure 1A the DL is connected to another drain from another TFT shown on the top of the figure); and a pixel electrode, (16), formed at each of the pixels and coupled, (14), to a source electrode, (12), of the thin-film transistor, (10), via a contact hole, (14), disposed on the source electrode, (12), which is extended to the region where the pixel electrode, (16), is next to the data line, (DL). It is obvious to one skilled in the art to see in Figure 1A that the data line is spaciouly close in relation to the pixel electrode, thus being next to each other.

8. Referring to claim 7, a thin-film transistor array structure, wherein a pattern constructed by the source electrode and the data line is designed as a mask.

Initially, and with respect to claim 7, note that a "product by process" claim is directed to the product per se, no matter how actually made, In re Hirao, 190 USPQ 15 at 17 (footnote 3). See also In re Brown, 173 USPQ 685; In re Luck, 177 USPQ 523; In re Wertheim, 191 USPQ 90 (209 USPQ 554 does not deal with this issue); In re Fitzgerald, 205 USPQ 594, 596 (CCPA); In re Marosi et al., 218 USPQ 289 (CAFC); and most recently, In re Thorpe et al., 227 USPQ 964 (CAFC, 1985) all of which make it clear that it is the final product per se which must be determined in a "product by process" claim, and not the patentability of the process, and that, as

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here, an old or obvious product produced by a new method is not patentable as a product, whether claimed in "product by process" claims or not. Note that Applicant has burden of proof in such cases as the above case law makes clear.

As to the grounds of rejection under section 103, see MPEP § 2113

9. Referring to claim 9, a thin-film transistor array structure, wherein the pixel electrode, (16), is coupled to the pixel electrode, (16) via a contact hole, (14).

**Initially, it is noted that the 35 U.S.C. § 103 rejection based on a pixel electrode coupled with another pixel electrode deals with an issue (i.e., the integration of multiple pieces into one piece or conversely, using multiple pieces in replacing a single piece) that has been previously decided by the courts.**

In Howard v. Detroit Stove Works 150 U.S. 164 (1893), the Court held, "it involves no invention to cast in one piece an article which has formerly been cast in two pieces and put together...."

In In re Larson 144 USPQ 347 (CCPA 1965), the term "integral" did not define over a multi-piece structure secured as a single unit. More importantly, the court went further and stated, "we are inclined to agree with the solicitor that the use of a one-piece construction instead of the [multi-piece] structure disclosed in Tuttle et al. would be merely a matter of obvious engineering choice" (bracketed material added). The court cited In re Fridolph for support.

In re Fridolph 135 USPQ 319 (CCPA 1962) deals with submitted affidavits relating to this issue. The underlying issue in In re Fridolph was related to the end result of making a multi-piece structure into a one-piece structure. Generally, favorable patentable weight was accorded



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if the one-piece structure yielded results not expected from the modification of the two-piece structure into a single piece structure.

Therefore, it would have been obvious to one of ordinary skill in the art to use a pixel electrode coupled with another pixel electrode as a single pixel electrode as "merely a matter of obvious engineering choice" as set forth in the above case law.

*Claim Rejections - 35 USC § 103*

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,737,051 Kondo et al.

10. Referring to claim 1, a thin-film transistor array structure, (Figures 19 & 20), comprising: a thin-film transistor, (Figure 19 & Col. 13 Lines 65-66); a data line, (12), coupled to a drain electrode, (12 & Col. 14 Line 2), of the thin-film transistor, (Figure 19 & Col. 13 Lines 65-66); a scanning line, (10), coupled to a gate electrode, (10 & Col. 14 Line 3), of the thin-film transistor, (Figure 19 & Col. 13 Lines 65-66), and crossed to the data line, (12), to form a plurality of rectangular pixels in matrix, (Abstract Line 1, it is also obvious to one skilled in the art that a matrix array of pixels are necessary to display or capture an image, and Figure 19 shows the data line 12 extended to another TFT); a pixel electrode, (1), formed at each of the pixels and coupled to a source electrode, (1 & Col. 14 Lines 1-2), of the thin-film transistor, (Figure 19 & Col. 13 Lines 65-66); and a sustaining electrode, (1 & Col. 14 Lines 1-2), coupled to the pixel electrode, (1 & Col. 14 Lines 1-2), disposed on the pixel electrode, (1 & Col. 14 Lines 1-2) and next to the data line, (12 & Col. 14 Line 2), and coplanar, (Figure 20 shows the pixel electrode/ source #1 &

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Col. 14 Lines 1-2 coplanar with the data line/ drain #12 & Col. 14 Line 2), with the source electrode, (12 & Col. 14 Line 2).

11. Referring to claim 2, a thin-film transistor array structure, wherein a pattern constructed by the sustaining electrode, the source electrode and the data line is designed as a mask.

Initially, and with respect to claim 2, note that a "product by process" claim is directed to the product per se, no matter how actually made, In re Hirao, 190 USPQ 15 at 17 (footnote 3). See also In re Brown, 173 USPQ 685; In re Luck, 177 USPQ 523; In re Wertheim, 191 USPQ 90 (209 USPQ 554 does not deal with this issue); In re Fitzgerald, 205 USPQ 594, 596 (CCPA); In re Marosi et al., 218 USPQ 289 (CAFC); and most recently, In re Thorpe et al., 227 USPQ 964 (CAFC, 1985) all of which make it clear that it is the final product per se which must be determined in a "product by process" claim, and not the patentability of the process, and that, as here, an old or obvious product produced by a new method is not patentable as a product, whether claimed in "product by process" claims or not. Note that Applicant has burden of proof in such cases as the above case law makes clear.

As to the grounds of rejection under section 103, see MPEP § 2113

12. Referring to claim 3, a thin-film transistor array structure, (Figure 19), wherein the sustaining electrode, (1 & Col. 14 Lines 1-2), is formed in an H-shaped pattern, (Col. 19 Lines 5-6).

It would be obvious to one skilled in the art that geometrical shape of the letter I is the same as an H rotated 90 degrees.

***Claim Rejections - 35 USC § 103***

Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,737,051 Kondo et al. in view of the Applicant's Admitted Prior Art.

13. Referring to claim 4, a thin-film transistor array structure, wherein the pixel electrode, (1 & Col. 14 Lines 1-2), is coupled to the pixel electrode, (1 & Col. 14 Lines 1-2), via a contact hole.

Kondo et al. does not teach the pixel electrode, (1 & Col. 14 Lines 1-2), is coupled with the pixel electrode, (1 & Col. 14 Lines 1-2), via a contact hole, but the Applicant's Admitted Prior Art does. It would be obvious to one skilled in the art because a contact hole would allow for a more reliable connection between two electrodes due to the fact of securement and heat dissipation.

**Initially, it is noted that the 35 U.S.C. § 103 rejection based on a pixel electrode coupled with another pixel electrode deals with an issue (i.e., the integration of multiple pieces into one piece or conversely, using multiple pieces in replacing a single piece) that has been previously decided by the courts.**

In Howard v. Detroit Stove Works 150 U.S. 164 (1893), the Court held, "it involves no invention to cast in one piece an article which has formerly been cast in two pieces and put together...."

In In re Larson 144 USPQ 347 (CCPA 1965), the term "integral" did not define over a multi-piece structure secured as a single unit. More importantly, the court went further and stated, "we are inclined to agree with the solicitor that the use of a one-piece construction instead

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of the [multi-piece] structure disclosed in Tuttle et al. would be merely a matter of obvious engineering choice" (bracketed material added). The court cited In re Fridolph for support.

In re Fridolph 135 USPQ 319 (CCPA 1962) deals with submitted affidavits relating to this issue. The underlying issue in In re Fridolph was related to the end result of making a multi-piece structure into a one-piece structure. Generally, favorable patentable weight was accorded if the one-piece structure yielded results not expected from the modification of the two-piece structure into a single piece structure.

Therefore, it would have been obvious to one of ordinary skill in the art to use **a pixel electrode coupled with another pixel electrode as a single pixel electrode** as "merely a matter of obvious engineering choice" as set forth in the above case law.

14. Referring to claim 5, a thin-film transistor array structure, wherein the sustaining electrode, (1 & Col. 14 Lines 1-2), is coupled to the pixel electrode, (1 & Col. 14 Lines 1-2), via a contact hole.

Kondo et al. does not teach the pixel electrode, (1 & Col. 14 Lines 1-2), is coupled with the sustaining electrode, (1 & Col. 14 Lines 1-2), via a contact hole, but the Applicant's Admitted Prior Art does. It would be obvious to one skilled in the art because a contact hole would allow for a more reliable connection between two electrodes due to the fact of securement and heat dissipation.

15. Referring to claim 6, a thin-film transistor array structure, (Figure 19 & 20), comprising: a thin-film transistor, (Figure 19 & Col. 13 Lines 65-66); a data line, (12), coupled to a drain electrode, (12 & Col. 14 Line 2), of the thin-film transistor, (Figure 19 & Col. 13 Lines 65-66); a

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scanning line, (10), coupled to a gate electrode, (10 & Col. 14 Line 3), of the thin-film transistor and crossed to the data line to form a plurality of rectangular pixels in matrix, (Abstract Line 1, it is also obvious to one skilled in the art that a matrix array of pixels are necessary to display or capture an image, and Figure 19 shows the data line 12 extended to another TFT); and a pixel electrode, (1), formed at each of the pixels and coupled to a source electrode, (1 & Col. 14 Lines 1-2), of the thin-film transistor, (Figure 19 & Col. 13 Lines 65-66), **via a contact hole**, disposed on the source electrode, (1 & Col. 14 Lines 1-2), which is extended to the region where the pixel electrode, (1), is next to the data line, (12) & (Figure 20 shows the pixel electrode/ source #1 & Col. 14 Lines 1-2 coplanar with the data line/ drain #12 & Col. 14 Line 2).

Kondo et al. does not teach the pixel electrode is coupled with the source electrode via a contact hole, but the Applicant's Admitted Prior Art does. It would be obvious to one skilled in the art because a contact hole would allow for a more reliable connection between two electrodes due to the fact of securement and heat dissipation.

16. Referring to claim 7, a thin-film transistor array structure, wherein a pattern constructed by the source electrode and the data line is designed as a mask.

Initially, and with respect to claim 7, note that a "product by process" claim is directed to the product per se, no matter how actually made, In re Hirao, 190 USPQ 15 at 17 (footnote 3). See also In re Brown, 173 USPQ 685; In re Luck, 177 USPQ 523; In re Wertheim, 191 USPQ 90 (209 USPQ 554 does not deal with this issue); In re Fitzgerald, 205 USPQ 594, 596 (CCPA); In re Marosi et al., 218 USPQ 289 (CAFC); and most recently, In re Thorpe et al., 227 USPQ 964 (CAFC, 1985) all of which make it clear that it is the final product per se which must be determined in a "product by process" claim, and not the patentability of the process, and that, as

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here, an old or obvious product produced by a new method is not patentable as a product, whether claimed in "product by process" claims or not. Note that Applicant has burden of proof in such cases as the above case law makes clear.

As to the grounds of rejection under section 103, see MPEP § 2113

17. Referring to claim 8, a thin-film transistor array structure, wherein the source electrode, (1 & Col. 14 Lines 1-2), is formed in a U shaped pattern, (Col. 19 Lines 5-6).

It would be obvious to one skilled in the art that geometrical shape of the letter I is the same as two U shapes connected together and rotated 90 degrees.

Kondo et al. in view of the Applicant's Admitted Prior Art discloses the claimed invention except for the pixel electrode in the exact shape of a U. It would have been obvious matter of design choice to make the pixel electrode in a U shape since applicant has not disclosed the U shaped pixel electrode solves any stated problem or is for any particular purpose and it appears that the invention would be equally well with an I or H shaped pixel electrode.

18. Referring to claim 9, a thin-film transistor array structure, wherein the pixel electrode, (1 & Col. 14 Lines 1-2), is coupled to the pixel electrode, (1 & Col. 14 Lines 1-2), via a contact hole.

Kondo et al. does not teach the pixel electrode is coupled with the pixel electrode via a contact hole, but the Applicant's Admitted Prior Art does. It would be obvious to one skilled in the art because a contact hole would allow for a more reliable connection between two electrodes due to the fact of securement and heat dissipation.

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**Initially, it is noted that the 35 U.S.C. § 103 rejection based on a pixel electrode coupled with another pixel electrode deals with an issue (i.e., the integration of multiple pieces into one piece or conversely, using multiple pieces in replacing a single piece) that has been previously decided by the courts.**

In Howard v. Detroit Stove Works 150 U.S. 164 (1893), the Court held, "it involves no invention to cast in one piece an article which has formerly been cast in two pieces and put together...."

In In re Larson 144 USPQ 347 (CCPA 1965), the term "integral" did not define over a multi-piece structure secured as a single unit. More importantly, the court went further and stated, "we are inclined to agree with the solicitor that the use of a one-piece construction instead of the [multi-piece] structure disclosed in Tuttle et al. would be merely a matter of obvious engineering choice" (bracketed material added). The court cited In re Fridolph for support.

In re Fridolph 135 USPQ 319 (CCPA 1962) deals with submitted affidavits relating to this issue. The underlying issue in In re Fridolph was related to the end result of making a multi-piece structure into a one-piece structure. Generally, favorable patentable weight was accorded if the one-piece structure yielded results not expected from the modification of the two-piece structure into a single piece structure.

Therefore, it would have been obvious to one of ordinary skill in the art to use **a pixel electrode coupled with another pixel electrode as a single pixel electrode** as "merely a matter of obvious engineering choice" as set forth in the above case law.

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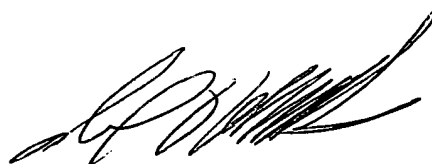
*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor A Mandala Jr. whose telephone number is (703) 308-6560. The examiner can normally be reached on Monday through Thursday from 8am till 6pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (703) 308-6601. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

VAMJ  
August 2, 2002



ALEXANDER O. WILLIAMS  
PRIMARY EXAMINER